

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DILIP JANA,

Plaintiff,

v.

WALMART INC.,

Defendant.

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Civil Action No. 4:24-cv-00698-SDJ-KPJ

DEFENDANT’S MOTION REQUESTING ORAL ARGUMENT

Defendant Walmart Inc. (“Walmart”) hereby requests oral argument on the parties’ pending motions: (1) Walmart’s Motion to Stay Discovery or Alternatively Enlarge Time to Enter Scheduling Order (Dkt. 18), (2) Walmart’s Motion to Dismiss Plaintiff’s Second Amended Complaint (Dkt. 22), (3) Walmart’s Motion to Strike (Dkt. 32), (4) Plaintiff’s Motion for Leave (Dkt. 33), and (5) Plaintiff’s Motion to Compel Walmart to Participate in Rule 26(f) Conference (Dkt. 35).

Walmart submits that oral argument will assist and streamline the Court’s resolution of the pending motions. Plaintiff’s Second Amended Complaint (Dkt. 13) is 75 pages long (excluding exhibits) and the parties’ briefing on Walmart’s Motion to Dismiss totals 85 pages (excluding exhibits). Plaintiff’s disjointed filings present facts, evidence, and legal arguments that are not relevant to the Court’s ultimate ruling, so oral argument would allow counsel to narrow the focus to only the pertinent issues. Additionally, oral argument would allow the Court to efficiently and effectively address the overlapping issues raised by the parties’ pending motions.

Walmart estimates that oral argument will require one hour and believes all pending motions can be addressed collectively in a single hearing setting. Plaintiff indicated he opposes Walmart's request for oral argument because "there are multiple false statements and frivolous arguments during the last few filings," Walmart has not filed an answer, and Plaintiff and all of his family members are sick. *See* Exhibit A. Walmart requests that the Court set the requested hearing on a date at least one week after the pending motions are fully briefed¹ to accommodate Plaintiff's return to health.

Dated: January 24, 2025

Respectfully submitted,

/s/ Peter S. Wahby

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon all parties of record via the Court's e-filing system.

/s/ Morgan E. Jones

Morgan E. Jones

¹ Walmart's Motion to Stay or Alternatively Enlarge Time (Dkt. 18) and Motion to Dismiss (Dkt. 22) are fully briefed. Walmart's Motion to Strike (Dkt. 32) will be fully briefed on January 24, 2025. Plaintiff's Motion for Leave (Dkt. 33) and Motion to Compel (Dkt. 35) will be fully briefed on or before February 7, 2025.